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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,359	11/18/1999	DONALD E. GILLESPIE	USW#1674	8540
22193	7590	05/16/2006	EXAMINER	
QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/444,359	GILLESPIE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tu X Nguyen	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,8-17,20 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) 2-7,18,19 and 21-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,8-17,20 and 24-42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/3/06 have been fully considered but they are not persuasive.

In response to Applicants' argument that Alparovich does not teach "wherein the specification defines a dynamic geographic area dependent on the instantaneous location of the subscriber". The Examiner respectfully disagrees. Alparovich discloses "activation locations can also include a variety of other specific locations, such as subscriber's office or other places that the subscriber frequently visits. For example, the subscriber might not want to be interrupted while eating at a restaurant the he frequents" (see col.5 lines 57-65, "variety of other specific locations", "office or other places", "a restaurant" reads on "dynamic geographic area" and "while eating at a restaurant" reads on "instantaneous location of the subscriber").

Regarding dependent claims 9 and 25, Applicants argue that "continuously and periodically have different –in fact opposite meanings". The Examiner interprets "periodically" reads on "continuously" with broadest reasonable interpretations. In addition of define "periodically", Alparovich discloses "periodically at a preselected interval, such as daily, hourly, over a number of minutes or seconds" (see col.3 lines 51-55).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-17, 20, 24-33, 35-38 and 40-42, are rejected under 35 U.S.C. 102(e) as being anticipated by Alperovich et al. (US Patent 6,233,448).

Regarding claim 1, Alperovich et al. disclose a method for processing telephone calls for a mobile subscriber associated with a wireless network the method comprising:

at the wireless network, receiving from the mobile subscriber user-defined, location-dependent rules associated with at least one telephone service subscribed to by the mobile subscriber (see col.4 lines 20-25), wherein each rule received from the mobile subscriber at the wireless network includes a specification for at least one geographic area associated with the mobile subscriber and rules for processing the at least one telephone service for the mobile subscriber when the mobile subscriber is in one of the geographic areas (see col.3 lines 65 through col.4 line 15),

determining a current location of the mobile subscriber (see col.2 lines 15-17); and  
processing the telephone services based on the location-dependent rules and the current location of the mobile subscriber (see col.2 lines 22-29).

wherein the specification defines a dynamic area dependent on the instantaneous location of the subscriber (see col.5 lines 57-65).

Regarding claim 17, Alperovich et al. disclose database (see col.4 lines 21-25) for storing user-defined, location-dependent rules associated with at least one telephone service subscribed to by the mobile subscriber; and service logic for determining a current location of the mobile subscriber and generating call processing instructions for processing the telephone calls based on the user-defined, location-dependent rules and the current location of the mobile subscriber

(see col.2 lines 10-40), wherein the specification defines a dynamic area dependent on the instantaneous location of the subscriber (see col.5 lines 57-65)..

Regarding claim 9, Alperovich et al. disclose receiving signal includes continuously receiving the signal from the wireless subscriber (see col.2 lines 14-15, “periodically” reads on “continuously”).

Regarding claims 8, 14-15 and 24-25 and 27, Alperovich et al. disclose receiving a signal from the mobile subscriber (see 34, fig.1); determining the location of the mobile subscriber based on the signal from the mobile subscriber and the known location of the at least one base station (see 32, fig.1, col.3 lines 28-50).

Regarding claim 10, 26, Alperovich et al. disclose receiving signal includes the signal from the wireless subscriber in response to a prompt from the wireless network (see col.3 lines 28-64).

Regarding claim 11, Alperovich et al. disclose receiving the signal includes receiving a Global Positioning Signal from the mobile subscriber (see col.3 lines 29-30).

Regarding claims 12-13, 28-29 and 30-31, Alperovich et al. disclose the service logic, in receiving the signal (see col.5 lines 61-65), outgoing call form the mobile subscriber (see col.5 lines 46-47), is further operative to receive a strength of the signal from the mobile subscriber (see col.3 lines 34-50, “triangulation” reads on “signal strength, triangulation is a method to determined user location base on signal strength).

Regarding claims 16 and 32, Alperovich et al. disclose determining supplemental subscriber information from the mobile subscriber (see col.4 lines 51-52); and wherein processing a telephone call further comprises processing the telephone call based on the supplemental subscriber information.

Regarding claims 33, 37-38 and 42, Alperovich et al. disclose the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network (see col.5 lines 59-61).

Regarding to claims 35-36, 40-41, Alperovich et al. disclose at least one telephone service includes call forwarding and do not disturb (see col.5 lines 25-26, col.5 lines 61-62).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34 and 39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. in view of Rodrigues (US Patent 6,577,857).

Regarding claims 34 and 39, Laperovich et al. fail to disclose at least one telephone service includes caller identification.

Rodrigues discloses caller identification (col.10 lines 21-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Alperovitch et al. with the above teaching of Rodrigues in order to provide services to authorized subscriber.

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***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

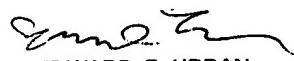
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
May 1, 2006

  
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SUPERVISORY PATENT EXAMINER  
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